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# Resolution adopted by the General Assembly on 27 December 2013

[*on the report of the Fifth Committee (A/68/670)*]

## 68/254. Administration of justice at the United Nations

*The General Assembly*,

*Recalling* section XI of its resolution 55/258 of 14 June 2001, its resolutions 57/307 of 15 April 2003, 59/266 of 23 December 2004, 59/283 of 13 April 2005, 61/261 of 4 April 2007, 62/228 of 22 December 2007, 63/253 of 24 December 2008, 64/233 of 22 December 2009, 65/251 of 24 December 2010, 66/237 of 24 December 2011 and 67/241 of 24 December 2012, as well as its decisions 63/531 of 11 December 2008 and 65/513 of 11 December 2010,

*Having considered* the reports of the Secretary-General on administration of justice at the United Nations[1] and on the activities of the Office of the United Nations Ombudsman and Mediation Services,[2] the report of the Internal Justice Council on administration of justice at the United Nations[3] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[4] as well as the letter dated 11 November 2013 from the President of the General Assembly to the Chair of the Fifth Committee,[5]

1. *Takes note* of the reports of the Secretary-General on administration of justice at the United Nations[1] and on the activities of the Office of the United Nations Ombudsman and Mediation Services;[2]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[4] subject to the provisions of the present resolution;

[1] A/68/346.
[2] A/68/158.
[3] A/68/306.
[4] A/68/530.
[5] A/C.5/68/11.



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I

**System of administration of justice**

3. *Reaffirms* that the resolutions of the General Assembly are binding on the Secretary-General and on the Organization;

4. *Stresses* that all elements of the system of administration of justice must work in accordance with the Charter of the United Nations and the legal and regulatory framework approved by the General Assembly, and emphasizes that the decisions of the Assembly related to administrative and budgetary matters are subject to review by the Assembly alone;

5. *Reiterates* that decisions taken by the Dispute Tribunal and the Appeals Tribunal shall conform with the provisions of General Assembly resolutions on issues related to human resources management;

6. *Acknowledges* the evolving nature of the system of administration of justice and the need to carefully monitor its implementation to ensure that it remains within the parameters set out by the General Assembly;

7. *Emphasizes* the importance of the principle of judicial independence in the system of administration of justice;

8. *Stresses* the importance of ensuring access for all staff members to the system of administration of justice, regardless of their duty station;

9. *Reaffirms* its decision, contained in paragraph 4 of resolution 61/261, to establish a new, independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice consistent with the relevant rules of international law and the principles of the rule of law and due process to ensure respect for the rights and obligations of staff members and the accountability of managers and staff members alike;

10. *Notes with appreciation* the achievements produced since the inception of the system of administration of justice, regarding both the disposal of the backlog and the addressing of new cases;

11. *Recalls* paragraph 20 of the report of the Advisory Committee, and requests the Secretary-General to submit to the General Assembly for consideration at its sixty-ninth session a revised proposal for conducting an interim independent assessment of the system of administration of justice, to be carried out in a cost-efficient manner by independent experts, including experts familiar with internal labour dispute mechanisms;

12. *Decides* that the assessment requested in paragraph 11 above shall examine the system of administration of justice in all its aspects, with particular attention to the formal system and its relation with the informal system, including an analysis of whether the aims and objectives of the system set out in resolution 61/261 are being achieved in an efficient and cost-effective manner;

13. *Stresses* the importance of good management practice to promote a positive and transparent work environment in order to address the underlying factors that give rise to disputes in the workplace, and requests the Secretary-General to report on efforts made in this regard to the General Assembly at the main part of its sixty-ninth session;

14. *Notes with concern* that performance management is still highlighted as the single most important cross-cutting issue in the report of the Secretary-General

on the activities of the Office of the United Nations Ombudsman and Mediation Services, and encourages the further use of approaches that serve to systematically address performance management issues at the highest levels;

15. *Recognizes* that sound performance management can greatly contribute to avoiding conflict in the workplace, and requests the Secretary-General to redouble his efforts to continue to develop and implement a credible, fair and fully functioning performance appraisal system;

## II

## Informal system

16. *Recognizes* that the informal system of administration of justice is an efficient and effective option for staff who seek redress of grievances and for managers to participate in;

17. *Reaffirms* that the informal resolution of conflict is a crucial element of the system of administration of justice, emphasizes that all possible use should be made of the informal system in order to avoid unnecessary litigation, without prejudice to the basic right of staff members to access the formal system of justice, and in this regard requests the Secretary-General to recommend to the General Assembly at its sixty-ninth session additional innovative measures to encourage recourse to informal resolution of disputes;

18. *Recognizes* the importance of the Office of Staff Legal Assistance as a filter in the system of administration of justice, and encourages the Office to continue to advise staff on the merits of their cases, especially when giving summary or preventive legal advice;

19. *Welcomes* the outreach activities of the Office of the United Nations Ombudsman and Mediation Services to encourage informal dispute resolution;

20. *Also welcomes* the recommendations to address systemic and cross-cutting issues contained in the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services, and requests the Secretary-General to report to the General Assembly at the main part of its sixty-ninth session on progress made on the implementation of those recommendations;

21. *Recalls* paragraph 20 of resolution 66/237, welcomes the information provided informally by the Office of the United Nations Ombudsman and Mediation Services on the financial and administrative implications resulting from settlements reached through informal dispute resolution, and requests the Office to report to the General Assembly at its sixty-ninth session on such implications;

22. *Encourages* the Secretary-General to continue to ensure that management responds to requests of the Office of the United Nations Ombudsman and Mediation Services in a timely manner;

23. *Requests* that information on the number and nature of cases from non-staff personnel, as well as data on the distribution of workload among conflict resolution, systemic issues and conflict competence, be clearly set out in future reports of the Office of the United Nations Ombudsman and Mediation Services;

24. *Reiterates its requests* to the Secretary-General, contained in paragraph 67 (*a*) of resolution 62/228, paragraph 21 of resolution 63/253, paragraphs 16 to 18 of resolution 65/251, paragraph 19 of resolution 66/237 and paragraph 27 of resolution 67/241, to report to the General Assembly on the revised

terms of reference for the Office of the United Nations Ombudsman and Mediation Services, regrets that the Secretary-General has not fulfilled those requests, and requests the Secretary-General to ensure that the terms of reference and guidelines for the Office are promulgated as soon as possible;

## III

## Formal system

25. *Reaffirms* that, in accordance with paragraph 5 of resolution 67/241 and paragraph 28 of resolution 63/253, the Dispute Tribunal and the Appeals Tribunal shall not have any powers beyond those conferred under their respective statutes;[6]

26. *Also reaffirms* that recourse to general principles of law and the Charter by the Tribunals is to take place within the context of and consistent with their statutes and the relevant General Assembly resolutions, regulations, rules and administrative issuances;

27. *Requests* the Secretary-General to continue to track the data on the number of cases received by the Management Evaluation Unit and the Dispute Tribunal in order to identify any emerging trends and to include his observations on those statistics in future reports;

28. *Reaffirms* the need for fully equipped courtrooms and other administrative requirements for the Tribunals, and welcomes the progress made by the Secretary-General in ensuring the provision of functional courtrooms with adequate facilities, as a matter of urgency;

29. *Requests* the Internal Justice Council to report on the impact of the request contained in paragraph 33 of resolution 67/241, taking into account the views of all relevant stakeholders;

30. *Requests* the Secretary-General to propose an amendment to the statute of the Appeals Tribunal, taking into account the recommendation of the Internal Justice Council relating to qualifications of Appeals Tribunal judges;

31. *Takes note* of paragraph 42 of the report of the Advisory Committee, recognizes that the immunities of the judges of the two Tribunals should be clearly specified, requests the Secretary-General to examine this issue further and present to the General Assembly at its sixty-ninth session recommendations that would not result in a change in the rank or conditions of service of the judges, and invites the Sixth Committee to consider them, without prejudice to the role of the Fifth Committee as the Main Committee entrusted with the responsibility for administrative and budgetary matters;

32. *Recognizes* the ongoing positive contribution of the Office of Staff Legal Assistance to the system of administration of justice;

33. *Decides* that the funding of the Office of Staff Legal Assistance shall be supplemented by a voluntary payroll deduction not exceeding 0.05 per cent of a staff member's monthly net base salary and that this funding mechanism shall be implemented on an experimental basis from 1 January 2014 to 31 December 2015, and requests the Secretary-General to report on its implementation;

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[6] Resolution 63/253, annexes I and II.

34. *Requests* the Secretary-General to track, on a monthly basis, the opt-out rate and the amount of revenue generated under the supplementary funding mechanism mentioned in paragraph 33 above, and authorizes him to enter into commitments for the period from 1 January 2014 to 31 December 2015, from this revenue, in an amount not exceeding this revenue, to finance any additional resources for the Office of Staff Legal Assistance during the experimental phase of the mechanism;

35. *Reiterates* that all staff members will continue to have access to the services of the Office of Staff Legal Assistance during the experimental period;

36. *Stresses* the need to raise awareness among staff of the importance of financial contributions of the staff to the Office of Staff Legal Assistance;

37. *Requests* the Secretary-General to continue to include information on disputes involving non-staff personnel in the context of both management evaluation and informal mediation in his respective reports, and reiterates its request that he provide information on existing measures to institutionalize good management practice that aim to avoid or mitigate disputes involving the different categories of non-staff personnel;

38. *Stresses* the need to ensure that all individuals acting as legal representatives, whether they are staff members representing other staff members, staff members representing themselves or external counsel representing staff members, are subject to the same standards of professional conduct applicable in the United Nations system, and requests the Secretary-General to present the code of conduct for external legal representatives, including appropriate sanctions for breaches thereof as safeguards against frivolous applications, to the General Assembly at its sixty-ninth session;

## IV

## Other issues

39. *Stresses* that the Internal Justice Council can help to ensure independence, professionalism and accountability in the system of administration of justice, and requests the Secretary-General to entrust the Council with including the views of both the Dispute Tribunal and the Appeals Tribunal in its annual reports;

40. *Recalls* paragraph 41 of the report of the Advisory Committee, regrets that the Secretary-General has deemed it necessary to submit the matter of the overpayment of four judges to the General Assembly, and decides that the Secretary-General should investigate how this administrative error remained undetected for almost two years and institute measures to ensure that such a situation does not occur again;

41. *Requests* the Secretary-General to recover the overpayment made to the four judges, and recognizes that the salary of the judges should remain fixed at the equivalent of the D-2 level, step IV;

42. *Recalls* paragraph 30 of the report of the Advisory Committee and paragraph 8 of resolution 61/261, and requests the Secretary-General to present to the General Assembly at its sixty-ninth session proposals with reference to the accountability of all individuals where violations of the Organization's rules and procedures have led to financial loss;

43. *Stresses* the growing need for a modernized and upgraded search engine to facilitate streamlined access to the jurisprudence and outcomes of past relevant cases;

44. *Invites* the Sixth Committee to consider the legal aspects of the report to be submitted by the Secretary-General, without prejudice to the role of the Fifth Committee as the Main Committee entrusted with responsibilities for administrative and budgetary matters.

*72nd plenary meeting*
*27 December 2013*